

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID W. LINDER,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Plaintiffs,
Defendant.

}
Case No. 2:10-cv-01216-KJD-PAL
ORDER
(IFP App - Dkt. #7)

This matter is before the court on Plaintiffs' Application to Proceed *In Forma Pauperis* (Dkt. #7) filed on October 12, 2010. Previously, Plaintiff filed an Application (Dkt. #5) on an outdated version of the application currently used by the court. That Application also failed to state the amount of his take-home wages and failed to include a financial certificate signed by an authorized official at USP Terre Haute. In an Order (Dkt. #6) entered September 28, 2010, the court denied Plaintiff's Application (Dkt. #5) without prejudice and directed him to refile a completed version. Plaintiff has complied.

Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$19.18, and his average monthly deposit is \$85.69. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$17.13.

Accordingly,

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1 **IT IS ORDERED:**

- 2 1. Plaintiff's Application to Proceed *in Forma Pauperis* (Dkt. #7) without having to
3 prepay the full filing fee is **GRANTED**. However, Plaintiff shall be required to pay an
4 initial installment fee in the amount of \$17.13 toward the full filing fee of three hundred
5 fifty dollars. Plaintiff shall have until **November 22, 2010**, to have the designated fee
6 sent to the Clerk of the Court. Failure to do so may result in dismissal of this action.
7 Furthermore, even if this action is dismissed, the full filing fee must still be paid
8 pursuant to 28 U.S.C. § 1915(b)(2).
- 9 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
10 prepayment of any additional fees or costs or the giving of security therefor. This Order
11 granting *in forma pauperis* status shall not extend to the issuance of subpoenas at
12 government expense.
- 13 3. The Clerk of the Court shall provide Plaintiff with two copies of this Order. Plaintiff is
14 ordered to make the necessary arrangements to have one copy of this Order attached to
15 the check in the amount of the designated fee.
- 16 4. Pursuant to 28 U.S.C. § 1915(b)(2), USP Terra Haute shall pay to the Clerk of the
17 United States District Court, District of Nevada, twenty percent preceding month's
18 deposits to Plaintiff's account (in the months that the account exceeds \$10.00) until the
19 full \$350 filing fee has been paid for this action. The Clerk of the Court shall send a
20 copy of this Order to the Finance Division of the Clerk's Office. The Clerk shall also
21 send a copy of this Order to the attention of the inmate accounts department at USP
22 Terre Haute, U.S. Penitentiary, 4700 Bureau Rd. South, Terre Haute, IN 47802.

23 Dated this 25th day of October, 2010.

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PEGGY A. LEEN
26 UNITED STATES MAGISTRATE JUDGE
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